

(3) **ENGINEERING AND TECHNICAL SERVICES.**—The term “engineering and technical services” (used in clause (iii) of section 1105(g)(2)(A) of title 31) means services that take the form of advice, assistance, training, or hands-on training necessary to maintain and operate fielded weapon systems, equipment, and components (including software when applicable) at design or required levels of effectiveness.

(c) **PROPER CLASSIFICATION OF ADVISORY AND ASSISTANCE SERVICES.**—Before the submission to the Office of Management and Budget of the proposed Department of Defense budget for inclusion in the President’s budget for a fiscal year pursuant to section 1105 of title 31, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall conduct a review of Department of Defense services expected to be performed as contract services during the fiscal year for which that budget is to be submitted in order to ensure that those services that are advisory and assistance services (as defined in accordance with subsection (b)) are in fact properly classified, in accordance with that subsection, in the advisory and assistance services object class.

(d) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress each year, not later than 30 days after the date on which the budget for the next fiscal year is submitted pursuant to section 1105 of title 31, a report containing the information derived from the review under subsection (c).

(e) **ASSESSMENT BY COMPTROLLER GENERAL.**—(1) The Comptroller General shall conduct a review of the report of the Secretary of Defense under subsection (d) each year and shall—

(A) assess the methodology used by the Secretary in obtaining the information submitted to Congress in that report; and

(B) assess the information submitted to Congress in that report.

(2) Not later than 120 days after the date on which the Secretary submits to Congress the report required under subsection (d) for any year, the Comptroller General shall submit to Congress the Comptroller General’s report containing the results of the review for that year under paragraph (1).

(f) **DEFINITIONS.**—In this section:

(1) The term “contract services” means all services that are reported to the Office of Management and Budget pursuant to OMB Circular A–11 (relating to preparation and submission of budget estimates) in budget object classes that are designated in the Object Class 25 series.

(2) The term “advisory and assistance services object class” means those contract services constituting the budget object class that is denominated “Advisory and Assistance Service” and designated (as of October 17, 1998) as Object Class 25.1 (or any similar object class established after October 17, 1998, for the reporting of obligations for advisory and assistance contract services).

(3) The term “miscellaneous services object class” means those contract services constituting the budget object class that is denominated “Other Services (services not otherwise

specified in the 25 series)” and designated (as of October 17, 1998) as Object Class 25.2 (or any similar object class established after October 17, 1998, for the reporting of obligations for miscellaneous or unspecified contract services).

(4) The term “authorized exemptions” means those exemptions authorized (as of October 17, 1998) under Department of Defense Directive 4205.2, captioned “Acquiring and Managing Contracted Advisory and Assistance Services (CAAS)” and issued by the Under Secretary of Defense for Acquisition and Technology on February 10, 1992, such exemptions being set forth in Enclosure 3 to that directive (captioned “CAAS Exemptions”).

(Added Pub. L. 105–261, div. A, title IX, §911(a)(1), Oct. 17, 1998, 112 Stat. 2097, §2212; amended Pub. L. 106–65, div. A, title X, §1066(a)(17), Oct. 5, 1999, 113 Stat. 771; renumbered §3138, Pub. L. 116–283, div. A, title XVIII, §1809(i)(1), Jan. 1, 2021, 134 Stat. 4162.)

## Editorial Notes

### AMENDMENTS

2021—Pub. L. 116–283 renumbered section 2212 of this title as this section.

1999—Subsec. (f)(2), (3). Pub. L. 106–65 substituted “as of October 17, 1998” for “as of the date of the enactment of this section” and “after October 17, 1998,” for “after the date of the enactment of this section”.

Subsec. (f)(4). Pub. L. 106–65, §1066(a)(17)(B), substituted “as of October 17, 1998” for “as of the date of the enactment of this section”.

## Statutory Notes and Related Subsidiaries

### CHANGE OF NAME

Reference to Under Secretary of Defense for Acquisition and Technology deemed to refer to Under Secretary of Defense for Acquisition, Technology, and Logistics, pursuant to section 911(a)(1) of Pub. L. 106–65, formerly set out as a note under section 133 of this title.

### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

## CHAPTER 209—OPERATIONAL CONTRACT SUPPORT

Subchapter	Sec.
I. Joint Policies on Requirements Definition, Contingency Program Management, and Contingency Contracting ..	3151
II. [Reserved]	

## Editorial Notes

### PRIOR PROVISIONS

A prior chapter 209 “OPERATIONAL CONTRACT SUPPORT”, as added by Pub. L. 115–232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1827, and consisting of reserved section 3151, was repealed by Pub. L. 116–283, div. A, title XVIII, §1810(a), Jan. 1, 2021, 134 Stat. 4162.

### AMENDMENTS

2021—Pub. L. 117–81, div. A, title XVII, §1701(i)(2)(A), Dec. 27, 2021, 135 Stat. 2141, amended Pub. L. 116–283, div. A, title XVIII, §1810(a), Jan. 1, 2021, 134 Stat. 4162,

which added this analysis, by substituting “[Reserved]” for “Other Provisions Relating to Operational Contract Support” in item for subchapter II.

#### Statutory Notes and Related Subsidiaries

##### RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR OPERATIONAL CONTRACT SUPPORT

Pub. L. 112-239, div. A, title VIII, §843, Jan. 2, 2013, 126 Stat. 1845, provided that:

“(a) GUIDANCE REQUIRED.—Not later than one year after the date of the enactment of this Act [Jan. 2, 2013], the Secretary of Defense shall develop and issue guidance establishing the chain of authority and responsibility within the Department of Defense for policy, planning, and execution of operational contract support.

“(b) ELEMENTS.—The guidance under subsection (a) shall, at a minimum—

“(1) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in subsection (a);

“(2) identify for each official, office, and component specified under paragraph (1)—

“(A) requirements for policy, planning, and execution of contract support for operational contract support, including, at a minimum, requirements in connection with—

“(i) coordination of functions, authorities, and responsibilities related to operational contract support, including coordination with relevant Federal agencies;

“(ii) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

“(iii) determinations of capability requirements for nonacquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements; and

“(iv) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for operational contract support (including an assessment [of] whether or not such exercises will include contractors); and

“(B) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under subparagraph (A); and

“(3) ensure that the chain of authority and responsibility described in subsection (a) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.”

##### COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION

Pub. L. 112-81, div. A, title VIII, §844(a), (b), Dec. 31, 2011, 125 Stat. 1515, provided that:

“(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act [Dec. 31, 2011], the Secretary of Defense shall—

“(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

“(2) develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

“(b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in

support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.”

#### SUBCHAPTER I—JOINT POLICIES ON REQUIREMENTS DEFINITION, CONTINGENCY PROGRAM MANAGEMENT, AND CONTINGENCY CONTRACTING

Sec.	
3151.	Joint policy requirement.
3152.	Requirements definition matters covered.
3153.	Contingency program management matters covered.
3154.	Contingency contracting matters covered.
3155.	Training for personnel outside acquisition workforce.
3156.	Mission readiness exercises.
3157.	Definitions; applicability.

#### § 3151. Joint policy requirement

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop joint policies for requirements definition, contingency program management, and contingency contracting during combat operations and post-conflict operations.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1810(a), (b)(1), Jan. 1, 2021, 134 Stat. 4162, 4163.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (a) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116-283, §1810(b)(1), was based on Pub. L. 109-364, div. A, title VIII, §854(a)(1), Oct. 17, 2006, 120 Stat. 2343.

##### AMENDMENTS

2021—Pub. L. 116-283, §1810(b)(1), transferred subsec. (a) of section 2333 of this title to this section and struck out subsec. (a) designation and heading “Joint Policy Requirement” at beginning.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### § 3152. Requirements definition matters covered

The joint policy for requirements definition required by section 3151 of this title shall, at a minimum, provide for the following:

(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate experience and qualifications related to the definition of requirements to be satisfied through acquisition contracts (such as for delivery of products or services, performance of work, or accomplishment of a project), to act as head of requirements definition and coordination during combat operations, post-conflict operations, and contingency operations, if required, including leading a requirements review board involving all organizations concerned.

(2) An organizational approach to requirements definition and coordination during com-

bat operations, post-conflict operations, and contingency operations that is designed to ensure that requirements are defined in a way that effectively implements United States Government and Department of Defense objectives, policies, and decisions regarding the allocation of resources, coordination of inter-agency efforts in the theater of operations, and alignment of requirements with the proper use of funds.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1810(a), (b)(2), Jan. 1, 2021, 134 Stat. 4162, 4163.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (b) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116–283, §1810(b)(2), was based on Pub. L. 109–364, div. A, title VIII, §854(a)(1), Oct. 17, 2006, 120 Stat. 2343.

##### AMENDMENTS

2021—Pub. L. 116–283, §1810(b)(2), transferred subsec. (b) of section 2333 of this title to this section and, in introductory provisions, struck out subsec. (b) designation and heading “Requirements Definition Matters Covered” at beginning and substituted “section 3151 of this title” for “subsection (a)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

### § 3153. Contingency program management matters covered

The joint policy for contingency program management required by section 3151 of this title shall, at a minimum, provide for the following:

(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate program management experience and qualifications, to act as head of program management during combat operations, post-conflict operations, and contingency operations, including stabilization and reconstruction operations involving multiple United States Government agencies and international organizations, if required.

(2) A preplanned organizational approach to program management during combat operations, post-conflict operations, and contingency operations that is designed to ensure that the Department of Defense is prepared to conduct such program management.

(3) Identification of a deployable cadre of experts, with the appropriate tools and authority, and trained in processes under paragraph (6).

(4) Utilization of the hiring and appointment authorities necessary for the rapid deployment of personnel to ensure the availability of key personnel for sufficient lengths of time to provide for continuing program and project management.

(5) A requirement to provide training (including training under a program to be created by the Defense Acquisition University) to program management personnel in—

(A) the use of laws, regulations, policies, and directives related to program management in combat or contingency environments;

(B) the integration of cost, schedule, and performance objectives into practical acquisition strategies aligned with available resources and subject to effective oversight; and

(C) procedures of the Department of Defense related to funding mechanisms and contingency contract management.

(6) Appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation.

(7) Such steps as may be needed to ensure jointness and cross-service coordination in the area of program management during contingency operations.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1810(a), (b)(3), Jan. 1, 2021, 134 Stat. 4162, 4163.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (c) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116–283, §1810(b)(3), was based on Pub. L. 109–364, div. A, title VIII, §854(a)(1), Oct. 17, 2006, 120 Stat. 2343.

##### AMENDMENTS

2021—Pub. L. 116–283, §1810(b)(3), transferred subsec. (c) of section 2333 of this title to this section and, in introductory provisions, struck out subsec. (c) designation and heading “Contingency Program Management Matters Covered” at beginning and substituted “section 3151 of this title” for “subsection (a)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

##### ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS

Pub. L. 114–328, div. A, title XII, §1281, Dec. 23, 2016, 130 Stat. 2541, provided that:

“(a) **AUTHORITY.**—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to 2 years following the end of such contingency operation.

“(b) **AGREEMENT.**—An agreement entered into under this section shall be in writing and shall include the following terms:

“(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

“(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered

support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

“(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within 12 months after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not so satisfied shall be immediately liquidated by direct payment to the agency supplying such covered support, supplies, or services.

“(c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with, or a contract for similar goods or services awarded to, a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

“(d) DEFINITIONS.—In this section:

“(1) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term ‘covered support, supplies, and services’ means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support, use of facilities, spare parts and components, repair and maintenance services, and calibration services.

“(2) CONTINGENCY OPERATION.—The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(e) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

“(1) the appropriation, fund, or account used in incurring the obligation; or

“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

“(f) NOTIFICATION.—Not later than 30 days after the end of a fiscal year in which covered support, supplies, and services are provided or exchanged pursuant to an agreement under this section, the Secretary of Defense and the Secretary of State shall jointly submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that contains a copy of such agreement and a description of such covered support, supplies, and services.”

### § 3154. Contingency contracting matters covered

(a) IN GENERAL.—The joint policy for contingency contracting required by section 3151 of this title shall, at a minimum, provide for the following:

(1) The designation of a senior commissioned officer or civilian member of the senior executive service in each military department with the responsibility for administering the policy.

(2) The assignment of a senior commissioned officer with appropriate acquisition experience and qualifications to act as head of contingency contracting during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur.

(3) A sourcing approach to contingency contracting that is designed to ensure that each military department is prepared to conduct contingency contracting during combat operations, post-conflict operations, and contingency operations, including stabilization and reconstruction operations involving inter-agency organizations, if required.

(4) A requirement to provide training (including training under a program to be created by the Defense Acquisition University) to contingency contracting personnel in—

(A) the use of law, regulations, policies, and directives related to contingency contracting operations;

(B) the appropriate use of rapid acquisition methods, including the use of exceptions to competition requirements under sections 3201 through 3205 of this title, sealed bidding, letter contracts, indefinite delivery-indefinite quantity task orders, set asides under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), undefinitized contract actions, and other tools available to expedite the delivery of goods and services during combat operations or post-conflict operations;

(C) the appropriate use of rapid acquisition authority, commanders’ emergency response program funds, and other tools unique to contingency contracting; and

(D) instruction on the necessity for the prompt transition from the use of rapid acquisition authority to the use of full and open competition and other methods of contracting that maximize transparency in the acquisition process.

(5) Appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation.

(6) Such steps as may be needed to ensure jointness and cross-service coordination in the area of contingency contracting.

(b) INTERAGENCY PLANS.—To the extent practicable, the joint policy for contingency contracting required by section 3151 of this title should be taken into account in the development of interagency plans for stabilization and reconstruction operations, consistent with the report submitted by the President under section 1035 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2388) on interagency operating procedures for the planning and conduct of stabilization and reconstruction operations.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1810(a), (b)(4), (c), Jan. 1, 2021, 134 Stat. 4162-4164.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 1035 of the John Warner National Defense Authorization Act for Fiscal Year 2007, referred to in subsec. (b), is section 1035 of Pub. L. 109-364, div. A, title X, Oct. 17, 2006, 120 Stat. 2388, which is not classified to the Code.

#### CODIFICATION

The text of subsec. (d) of section 2333 of this title, which was transferred to this section and amended by

Pub. L. 116-283, §1810(b)(4), (c), was based on Pub. L. 109-364, div. A, title VIII, §854(a)(1), Oct. 17, 2006, 120 Stat. 2343; Pub. L. 111-84, div. A, title X, §1073(a)(23)(A), (B), Oct. 28, 2009, 123 Stat. 2473.

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1810(b)(4)(A), (C), (D), substituted “In General” for “Contingency Contracting Matters Covered” in heading and “section 3151 of this title” for “subsection (a)” in introductory provisions, struck out par. (1) designation at beginning, redesignated subpars. (A) to (F) as pars. (1) to (6), respectively, and, in par. (4), redesignated cls. (i) to (iv) as subpars. (A) to (D), respectively. Former par. (2) redesignated subsec. (b).

Pub. L. 116-283, §1810(b)(4), redesignated subsec. (d) of section 2333 of this title as subsec. (a) of this section.

Subsec. (a)(4)(B). Pub. L. 116-283, §1810(c), substituted “sections 3201 through 3205” for “section 2304”.

Subsec. (b). Pub. L. 116-283, §1810(b)(4)(B), (C), redesignated par. (2) of subsec. (a) as subsec. (b), inserted heading, and substituted “section 3151 of this title” for “subsection (a)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### § 3155. Training for personnel outside acquisition workforce

(a) **REQUIRED TRAINING.**—The joint policy for requirements definition, contingency program management, and contingency contracting required by section 3151 of this title shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

(b) **SCOPE OF TRAINING.**—Training under subsection (a) shall be sufficient to ensure that the military personnel referred to in that subsection—

- (1) understand the scope and scale of contractor support they will experience in contingency operations; and
- (2) are prepared for their roles and responsibilities with regard to—
  - (A) requirements definition;
  - (B) program management (including contractor oversight); and
  - (C) contingency contracting.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1810(a), (b)(5), Jan. 1, 2021, 134 Stat. 4162, 4163.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (e)(1) and (2) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116-283, §1810(b)(5), was based on Pub. L. 110-181, div. A, title VIII, §849(a), Jan. 28, 2008, 122 Stat. 245.

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1810(b)(5)(A), (B), redesignated subsec. (e)(1) and (2) of section 2333 of this title as subsec. (a) of this section, in heading, substituted “Required Training” for “Training for Personnel Outside Acquisition Workforce”, and, in text, struck out par. (1) designation at beginning and substituted “section 3151 of this title” for “subsection (a)”. Par. (2) subsequently redesignated subsec. (b).

Subsec. (b). Pub. L. 116-283, §1810(b)(5)(C), redesignated subsec. (a)(2) as (b), inserted heading, and substituted “Training under subsection (a)” for “Training under paragraph (1)” and “referred to in that subsection—” and pars. (1) and (2) for “referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### § 3156. Mission readiness exercises

The joint policy required by section 3151 of this title shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1810(a), (b)(6), Jan. 1, 2021, 134 Stat. 4162, 4164.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (e)(3) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116-283, §1810(b)(6), was based on Pub. L. 110-181, div. A, title VIII, §849(a), Jan. 28, 2008, 122 Stat. 245.

#### AMENDMENTS

2021—Pub. L. 116-283, §1810(b)(6), transferred subsec. (e)(3) of section 2333 of this title to this section, struck out par. (3) designation at beginning, and inserted “required by section 3151 of this title” after “The joint policy”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### § 3157. Definitions; applicability

In this subchapter:

(1) **REQUIREMENTS DEFINITION.**—The term “requirements definition” means the process of translating policy objectives and mission needs into specific requirements, the description of which will be the basis for awarding acquisition contracts for projects to be accom-

plished, work to be performed, or products to be delivered.

(2) CONTINGENCY PROGRAM MANAGEMENT.—The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading the combined efforts of participating civilian and military personnel and organizations for the management of a specific defense acquisition program or programs during combat operations, post-conflict operations, and contingency operations.

(3) CONTINGENCY CONTRACTING.—The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

(4) CONTINGENCY CONTRACTING PERSONNEL.—The term “contingency contracting personnel” means members of the armed forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide support to contingency operations (whether deployed or not).

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1810(a), (b)(7), Jan. 1, 2021, 134 Stat. 4162, 4164.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (f)(1), (2), (5), and (6) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1810(b)(7), was based on Pub. L. 109–364, div. A, title VIII, § 854(a)(1), Oct. 17, 2006, 120 Stat. 2343; Pub. L. 110–181, div. A, title VIII, § 849(a), Jan. 28, 2008, 122 Stat. 245.

##### AMENDMENTS

2021—Pub. L. 116–283, § 1810(b)(7), redesignated pars. (6), (5), (2), and (1) of subsec. (f) of section 2333 of this title as pars. (1) to (4), respectively, of this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section and amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### SUBCHAPTER II—[RESERVED]

Sec.	
3171.	[Reserved].
3172.	[Reserved].

#### Editorial Notes

##### AMENDMENTS

Pub. L. 117–81, div. A, title XVII, § 1701(i)(2)(B), Dec. 27, 2021, 135 Stat. 2141, generally amended Pub. L. 116–283, div. A, title XVIII, § 1810(d), Jan. 1, 2021, 134 Stat. 4164, which added this analysis, by substituting “[RESERVED]” for “OTHER PROVISIONS RELATING TO OPERATIONAL CONTRACT SUPPORT” in subchapter II heading and “[Reserved]” for “Contracts for property or services in support of a contingency operation: competition and review” in item 3171 and for “Operational contract support: chain of authority and responsibility within Department of Defense” in item 3172, thereby omitting this analysis.

#### § 3171. [Reserved]

(Added Pub. L. 116–283, div. A, title XVIII, § 1810(d), Jan. 1, 2021, 134 Stat. 4164; amended Pub. L. 117–81, div. A, title XVII, § 1701(i)(2)(B), Dec. 27, 2021, 135 Stat. 2141.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117–81, § 1701(i)(2)(B), amended Pub. L. 116–283, § 1810(d), which enacted this section, by substituting “[Reserved]” for “Contracts for property or services in support of a contingency operation: competition and review” in section catchline.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment made to Pub. L. 116–283 by Pub. L. 117–81, resulting in omission of this section, applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and Effective Date note below.

##### EFFECTIVE DATE

Section effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

#### § 3172. [Reserved]

(Added Pub. L. 116–283, div. A, title XVIII, § 1810(d), Jan. 1, 2021, 134 Stat. 4164; amended Pub. L. 117–81, div. A, title XVII, § 1701(i)(2)(B), Dec. 27, 2021, 135 Stat. 2141.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117–81, § 1701(i)(2)(B), amended Pub. L. 116–283, § 1810(d), which enacted this section, by substituting “[Reserved]” for “Operational contract support: chain of authority and responsibility within Department of Defense” in section catchline.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment made to Pub. L. 116–283 by Pub. L. 117–81, resulting in omission of this section, applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and Effective Date note below.

##### EFFECTIVE DATE

Section effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

## Subpart B—Acquisition Planning

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, § 801(a), Aug. 13, 2018, 132 Stat. 1827, added subpart heading.

## CHAPTER 221—PLANNING AND SOLICITATION GENERALLY

Sec.	
3201.	Full and open competition.